

FCC MAIL SECTION

Federal Communications Commission

DA 99-770

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Des Moines, Iowa and Bennington,
Nebraska)

MM Docket No. 98-187
RM-9371

REPORT AND ORDER
(Proceeding Terminated)

Adopted: April 14, 1999

Released: April 22, 1999

By the Chief, Allocations Branch:

1. At the joint request of Triathlon Broadcasting of Omaha Licensee, Inc., licensee of Station KTNP, Bennington, Nebraska, and Saga Communications of Iowa, Inc., licensee of Station KIOA-FM, Des Moines, Iowa, the Commission has before it the Notice of Proposed Rule Making, 13 FCC Rcd 20288 (1998). The Notice proposed the substitution of Channel 227C3 for Channel 227A at Bennington and the substitution of Channel 227C1 for Channel 227C at Des Moines, and the modification of their station's license to specify Channel 227C3 and 227C1, respectively. Petitioners filed comments reiterating their intention to apply for their respective channels, if allotted. No other comments were received.

2. We believe the public interest would be served by allotting Channel 227C3 to Bennington and Channel 227C1 to Des Moines. As pointed out in the Notice, the allotment of Channel 227C3 at Bennington will enable Station KTNP to increase the population it serves by 89,095 people, with the majority of this increase occurring outside of the Omaha Urbanized Area, since the Urbanized Area already lies within the station's 60 dBu contour. Further, while the substitution of Channel 227C1 for Channel 227C at Des Moines will result in a loss of service to 6,550 people, the entire loss area will remain within the service contours of at least five fulltime aural services and thus the people are considered to be well-served. As proposed, we will also modify the licenses of Stations KTNP, Bennington, and KIOA-FM, Des Moines, to specify operation on the new channels.

3. Channel 227C1 can be allotted to Des Moines in compliance with the Commission's minimum distance separation requirements and utilized at Station KIOA-FM's licensed site. Channel 227C3 can be allotted to Bennington with a site restriction of 15.2 kilometers (9.4 miles) east to accommodate petitioner's desired transmitter site.¹

¹ The coordinates for Channel 227C1 at Des Moines are 41-37-54 North Latitude and 93-27-24 West Longitude. The coordinates for Channel 227C3 at Bennington are 41-20-43 NL; 95-58-33 WL.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective June 7, 1999, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Des Moines, Iowa	227C1, 235C, 247C1, 262C, 273C, 298C1
Bennington, Nebraska	227C3

5. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Saga Communications of Iowa, Inc., for Station KIOA-FM, Des Moines, Iowa, IS MODIFIED to specify operation on Channel 227C1, in lieu of Channel 227C, and Triathlon Broadcasting of Omaha Licensee, Inc., for Station KTNP(FM), Bennington, Nebraska, IS MODIFIED to specify operation on Channel 227C3 in lieu of Channel 227A, subject to the following conditions:

- (a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301).
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

6. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Triathlon Broadcasting of Omaha Licensee, Inc., licensee of Station KTNP(FM), required to submit a rule making fee in addition to the fee required for the applications to effect the change in community of license and/or upgrade.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

**John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau**